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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,
Plaintiff,

v.

NATIONAL PASSENGER RAILROAD
CORPORATION dba AMTRAK, JOE
DEELY, and DOES 1-15, inclusive,
Defendants.

NO. C05-5434 MJJ (EDL)

**[PROPOSED] ORDER DENYING
DEFENDANTS JOSEPH DEELY AND
NATIONAL RAILROAD PASSENGER
CORPORATION'S MOTIONS FOR
SUMMARY JUDGMENT AND/OR
PARTIAL SUMMARY JUDGMENT**

DATE: May 22, 2007

Defendants NATIONAL RAILROAD PASSENGER CORPORATION d/b/a
AMTRAK's ("AMTRAK") and JOHN DEELY's Motions For Summary Judgment or Partial
Summary Judgment came on regularly for hearing on May 22, 2007. Pamela Y. Price of Price And
Associates appeared on behalf of the Plaintiff JOHN EARL CAMPBELL ("Mr. Campbell").
Kathleen Maylin and Cara Ching-Senaha appeared on behalf of Defendants AMTRAK and
JOSEPH DEELY.

The Court having read and considered the motion and the opposition thereto, and
having heard and considered the arguments of counsel, and good cause appearing therefore,

1 **IT IS HEREBY ORDERED** that Defendants' Motions for Summary Judgment
2 and/or Partial Summary Judgment are denied. The Court finds that Plaintiff has presented sufficient
3 evidence to establish that triable issues of fact exist on the following issues:

4 1. Whether Defendants AMTRAK and JOSEPH DEELY discriminated against
5 Mr. Campbell on the basis of his race in promotional opportunities;

6 2. Whether Defendants AMTRAK and JOSEPH DEELY discriminated against
7 Mr. Campbell on the basis of his race in disciplinary actions;

8 3. Whether Defendant AMTRAK and JOSEPH DEELY discriminated against
9 Mr. Campbell on the basis of his race in his termination;

10 4. Whether Defendant AMTRAK and JOSEPH DEELY retaliated against Mr.
11 Campbell in violation of FEHA and 42 U.S.C. Section 1981 in his termination;

12 5. Whether Defendants AMTRAK and JOSEPH DEELY have a history, pattern
13 and practice of discrimination against African-Americans on the basis of race in promotions;

14 6. Whether Defendants AMTRAK and JOSEPH DEELY have a history,
15 pattern and practice of discrimination against African-Americans on the basis of race in discipline;
16 and

17 7. Whether Defendant AMTRAK and JOSEPH DEELY are liable to Mr.
18 Campbell for punitive damages.

19 **IT IS SO ORDERED.**

20
21
22 DATED: _____

HON. JUDGE MARTIN J. JENKINS
UNITED STATES DISTRICT COURT